

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

Docket No. 23-10406-A

WALTER PETTAWAY,
Appellee

v.

NICHOLAS BARBER,
Appellant

On appeal from Memorandum Opinion and Order (Doc.433) and Order (Doc.434)
of the United States District Court for the Middle District of Alabama
Case No. 2:19-cv-00008-ECM-JTA

MOTION TO REMOVE CASE FROM ORAL ARGUMENT CALENDAR

Allison Alford Ingram
C. Winston Sheehan, Jr.
Graham R. Neeley
Ball, Ball, Matthews & Novak, P.A.
Post Office Box 2148
445 Dexter Avenue, Suite 9045 (36104)
Montgomery, AL 36102-2148
(334) 387-7680
(334) 387-3222 (Fax)
ala@ball-ball.com
wsheehan@ball-ball.com
gneeley@ball-ball.com

Counsel for Appellant Nicholas Barber

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and the Eleventh Circuit Rules 26.1-1, 26.1-2, and 26.1-3, Appellant Nicholas Barber submits the following list of persons or entities which, upon information and belief of the undersigned attorneys for the Appellant have or may have an interest in the outcome of this case:

Adams, Hon. Jerusha T., United States Magistrate Judge, Middle District of Alabama

Barber, Nicholas, Defendant/Appellant

Bellinger, Stacy, Counsel for Defendant/Appellant, Nicholas Barber

Brasfield, Sydney, Counsel for Defendant/Appellant, Nicholas Barber

Chambliss, Rebecca, Counsel for Defendant/Appellant, Nicholas Barber

City of Montgomery, Alabama, Defendant

East, Chris, former Counsel for Defendant/Appellant, Nicholas Barber

Finley, Ernest, Defendant

Flournoy, Neal, Defendant

Gray Jr., William Patton, Counsel for Defendant, Ryan Powell

Green, Michael, Defendant

Ingram, Allison, Counsel for Defendant/Appellant, Nicholas Barber

Marks, Hon. Emily C., Chief United States District Judge, Middle District of Alabama

Neeley, Graham R., Counsel for Defendant/Appellant, Nicholas Barber

Nix Jr., H.E., Counsel for Plaintiff/Appellee, Walter Pettaway

Norris, John David, Counsel for Defendant, Neal Flournoy

Powell, Ryan, Defendant

Ruiz, Bianka, Defendant

Sheehan Jr., C. Winston, Counsel for Defendant/Appellant, Nicholas Barber

Sikes Jr., Griffin, Counsel for Plaintiff/Appellee, Walter Pettaway

Smith, Joshua Taylor, Defendant

Thrasher, Justin, Defendant

Watts, Keiundra, Defendant

COMES NOW the Appellant, Nicholas Barber, and advises the Court that the parties have reached a confidential mutually agreeable resolution of the claim pending before this Court. As a result, Appellant Nicholas Barber respectfully requests that this case be removed from the Oral Argument calendar where it is set this week on Thursday, July 25, 2024. The parties are working toward completing the necessary paperwork and Appellant Nicholas Barber will file a motion to dismiss the appeal once that paperwork has been completed.

Respectfully Submitted,

/s/ Allison A. Ingram

ALLISON A. INGRAM (ASB-6024-F68A)

/s/ Winston Sheehan, Jr.

C. WINSTON SHEEHAN, JR. (SHE013)

/s/ Graham R. Neeley

GRAHAM R. NEELEY (NOV001)

Attorneys for Appellant/Defendant

Nicholas D. Barber

OF COUNSEL:

BALL, BALL, MATTHEWS & NOVAK, P.A.

445 Dexter Avenue, Suite 9045

Post Office Box 2148

Montgomery, Alabama 36102-2148

(334) 387-7680 - telephone

(334) 387-3222 – facsimile

ala@ball-ball.com

wsheehan@ball-ball.com

gneeley@ball-ball.com

CERTIFICATE OF COMPLIANCE

The foregoing motion complies with the type-volume limitations Federal Rule of Appellate Procedure Rule 32(a) because it is prepared in a proportionally spaced typeface using 14-point Times New Roman font.

/s/ Allison A. Ingram

ALLISON A. INGRAM

Attorney for the Appellant/Defendant

Nicholas D. Barber

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2024, the foregoing has been served upon the following counsel of record by electronic filing and notification through CM/ECF with the Eleventh Circuit Court of Appeals:

Griffin Sikes, Jr.
Post Office Box 6350
Montgomery, AL 36106
sikeslawyer@gmail.com

H.E. Nix, Jr.
Post Office Box 241892
Montgomery, AL 36124
cnix@nixattorney.com

Rebecca L. Chambliss
Chambliss Law
P.O. Box 241726
Montgomery, AL 36124
rebecca@chambliss.law

Stacy L. Bellinger
City of Montgomery Legal Dept.
Post Office Box 1111
Montgomery, Alabama 36101-1111
sbellinger@montgomeryal.gov

/s/ Allison A. Ingram
ALLISON A. INGRAM
Attorney for the Appellant/Defendant
Nicholas D. Barber